

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

MIGUEL GONZALEZ	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:13-cv-651
	§	
YRC Inc. d/b/a YRC Freight &	§	
MICHAEL E. McINNIS,	§	
Defendants.	§	

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PLAINTIFF'S ORIGINAL COMPLAINT

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TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

*Comes Now* Miguel Gonzalez, complaining of and about YRC Inc. d/b/a YRC Freight and Michael E. McInnis, and for causes of action files this Original Complaint. In support, Plaintiff would respectfully show the Court the following:

**A. Statement of Jurisdiction**

1. This Court has jurisdiction under 28 U.S.C. § 1332.(a)(1) because Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000.00, excluding interest and costs.

**B. Parties**

2. Plaintiff, Miguel Gonzalez, is an individual that is a citizen of the State of Texas.

3. Defendant YRC Inc. d/b/a YRC Freight is a corporation that is organized under the laws of the State of Delaware. Defendant has its principal place of business in Kansas. Defendant may be served with process by serving its registered agent, C.T. Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.

4. Defendant Michael E. McInnis is an individual that is a citizen of the State of Mississippi and may be served with process at 1924 Castle Hill, Jackson, MS 39204.

**C. Conditions Precedent**

5. All conditions precedent have been performed or have occurred.

**D. Facts**

6. While traveling west on Interstate 10 through Louisiana, Defendant Michael E. McInnis, an employee and/or agent of Defendant YRC Inc. pulled off to the side of the road to relieve himself. Upon finishing, Defendant Michael E. McInnis re-entered Interstate 10, failing to yield to the westbound traffic. When Defendant Michael E. McInnis entered Interstate 10, he got right in the way of Plaintiff, who tried, but was unable to avoid colliding with the tractor-trailer owned by Defendant YRC Inc. and operated by Defendant Michael E. McInnis.

**E. Count One - Negligence as to Michael E. McInnis**

7. At the time of the collision, Defendant Michael E. McInnis was operating his vehicle negligently. Defendant Michael E. McInnis had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Defendant breached that duty in one or more of the following ways:

- a. Failing to yield the right-of-way;
- b. Re-entering the interstate when it was unsafe to do so;
- c. Failing to keep a proper look out;
- d. Failing to turn his vehicle to avoid the collision; and/or
- e. Driving inattentively;

**Count Two - Vicarious Liability/Respondeat Superior**

8. The statements above are incorporated and adopted by reference as if set

forth verbatim here.

9. At the time of the collision Defendant Michael E. McInnis was an employee and/or agent and/or servant of Defendant YRC Inc. d/b/a YRC Freight and was acting in the course and scope of his employment with Defendant YRC Inc. d/b/a YRC Freight Plaintiff therefore invokes the doctrines of vicarious liability and/or *respondeat superior* against Defendant YRC Inc. d/b/a YRC Freight, holding Defendant responsible and liable for the negligent acts and omissions of Michael E. McInnis.

#### **F. Damages**

10. As a direct and proximate result of Defendants' conduct, Plaintiff suffered the following injuries and damages:

- a. Medical expenses in the past and future;
- b. Physical pain in the past and future;
- c. Mental anguish in the past and future;
- d. Loss of earning capacity in the past and future;
- e. Lost earnings; and
- f. Physical impairment in the past and future.

#### **G. Prayer**

11. For these reasons, Plaintiff asks that Defendants be summoned and appear and that Plaintiff ultimately have judgment against Defendants for the following:

- a. Actual damages of \$750,000;
- b. Pre and post-judgment interest;
- c. Costs of suit, including attorneys' fees;
- d. All other relief, in law and in equity, to which Plaintiff shows

himself justly entitled.

Respectfully Submitted,  
**The Green Law Firm, P.C.**

/s/ Michael L. Orth  
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